

1 BILL NO. S-84-11- 45

2 SPECIAL ORDINANCE NO. S- 167-84

3 ORDINANCE AUTHORIZING THE CITY OF  
4 FORT WAYNE TO ISSUE ITS "CITY OF FORT WAYNE  
5 ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1984  
(LINCOLN NATIONAL BANK AND TRUST COMPANY OF FORT WAYNE PROJECT)"  
6 AND APPROVING OTHER ACTIONS IN RESPECT THERETO

7 WHEREAS, the Fort Wayne Economic Development Commission  
8 has rendered its Project Report for the Lincoln National Bank  
9 and Trust Company of Fort Wayne Project regarding the financing  
10 of proposed economic development facilities under construction  
11 or to be constructed in the City of Fort Wayne, Indiana, and  
12 the Fort Wayne Plan Commission has commented favorably thereon;  
and

13 WHEREAS, the Fort Wayne Economic Development Commission  
14 conducted a public hearing on December 6, 1984, and also  
15 adopted a resolution on December 6, 1984, which Resolution  
16 has been transmitted hereto, finding that the financing of  
17 certain economic development facilities for Lincoln National  
18 Bank and Trust Company of Fort Wayne complies with the purposes  
19 and provisions of I.C. 36-7-12 and that such financing will  
20 be of benefit to the health and welfare of the City of Fort  
21 Wayne and its citizens; and

22 WHEREAS, the Fort Wayne Economic Development Commission  
23 has heretofore approved and recommended the adoption of this  
24 form of Ordinance by this Common Council, has considered the  
25 issue of adverse competitive impact and has specifically found  
26 and this Common Council finds: that the Project includes  
27 acquisition of real estate and construction of a commercial bank  
28 facility for use as a computer and data processing center and  
29 that there are no other existing facilities of the size and  
30 type of the Project in the general area of the Project that  
31 meet the needs of Lincoln National Bank and Trust Company of  
32 Fort Wayne and no one spoke in opposition of the Project; and

1 the Commission has approved the forms of and has transmitted  
2 for approval by the Common Council the Loan Agreement, Mortgage  
3 and Security Agreement, Trust Indenture, Note, Bond; now therefore,

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
5 FORT WAYNE, INDIANA THAT:

6 SECTION 1. It is hereby found that the financing of  
7 the economic development facilities referred to in the Loan  
8 Agreement, Mortgage and Security Agreement and Trust Indenture  
9 approved by the Fort Wayne Economic Development Commission and  
10 presented to this Common Council, the issuance and sale of the  
11 revenue bonds in the aggregate principal amount of not to exceed  
12 \$2,450,000, the loan of the proceeds of the revenue bonds to  
13 Lincoln National Bank and Trust Company of Fort Wayne for the  
14 acquisition and construction of such facilities, the payment  
15 of the revenue bonds by the note payment of Lincoln National  
16 Bank and Trust Company of Fort Wayne under the Loan Agreement,  
17 Mortgage and Security Agreement, and Note and the securing  
18 of said bonds by the mortgaging of such facilities to the  
19 Issuer under the Loan Agreement, Mortgage and Security Agree-  
20 ment complies with the purposes and provisions of I.C. 36-7-12  
21 and will be of benefit to the health and welfare of the City of  
22 Fort Wayne and its citizens.

23 SECTION 2. The facilities will consist of acquisition  
24 of real estate and construction of a 56,000 sq. ft. one-story  
25 building, including equipment and fixtures on land located  
26 at the N.E. corner of Bluffton Road and Baer Field Throughway  
27 in the City of Fort Wayne, Indiana, same being within an Economic  
28 Development Target Area.

29 SECTION 3. Based upon the Application and the findings  
30 of the Economic Development Commission, it is hereby found that  
31 the above-described Project of Lincoln National Bank and Trust  
32 Company of Fort Wayne will not have an adverse competitive impact

1 on other facilities of the same kind already operating in the same  
2 market area, and will contribute significantly to the creation of  
3 permanent new job opportunities.

4 SECTION 4. The substantially final forms of the  
5 Loan Agreement, Mortgage and Security Agreement, Trust  
6 Indenture, Note and Bond, approved by the Fort Wayne Economic  
7 Development Commission are hereby approved (herein collectively  
8 referred to as the "Financing Agreement" referred to in  
9 I.C. 36-7-12, and the substantially final form of Official  
10 Statement is hereby approved, and all such documents shall  
11 be incorporated herein by reference and shall be inserted in  
12 the minutes of the Common Council and kept on file by the  
13 Clerk. In accordance with the provisions of I.C. 36-1-5-4,  
14 two (2) copies of all such documents are on file in the office  
15 of the Clerk for public inspection.

16 SECTION 5. The City of Fort Wayne shall issue its  
17 Economic Development Revenue Bonds, (Lincoln National Bank and  
18 Trust Company of Fort Wayne Project), in the total principal  
19 amount of not to exceed Two Million Four Hundred Fifty Thousand  
20 Dollars (\$2,450,000) and with the final maturity 15 years from  
21 the date of issuance for the purpose of procuring funds to  
22 lend to Lincoln National Bank and Trust Company of Fort Wayne  
23 to pay the costs of acquisition and construction of the economic  
24 development facilities as more particularly set out in the  
25 Loan Agreement, Mortgage and Security Agreement, and Trust  
26 Indenture incorporated herein by reference, which bonds will  
27 be payable as to principal, premium, if any, and interest  
28 from the note payments made by Lincoln National Bank and Trust  
29 Company of Fort Wayne under the Loan Agreement, Mortgage and  
30 Security Agreement and Note or as otherwise provided in the  
31 above described Trust Indenture. The bonds shall be issued  
32 in fully registered form in the denominations of \$5,000 or

1 integral multiples thereof and shall be redeemed as provided  
2 in Article V of the Trust Indenture. Payments of principal  
3 and interest are payable in lawful money of the United States  
4 of America at the principal office of the Trustee or its  
5 successor in trust or by check or draft mailed or delivered to  
6 the registered owner as provided in the Trust Indenture. The  
7 bonds shall never constitute a general obligation of, an  
8 indebtedness of, or a charge against the general credit of the  
9 City of Fort Wayne or the State of Indiana nor are the bonds  
10 payable in any manner from revenues raised by taxation.

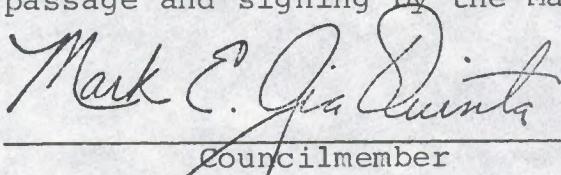
11 SECTION 6. The Mayor and Clerk are authorized and  
12 directed to sell such bonds to the purchaser thereof at the  
13 rate per annum not to exceed 10½%. The bonds shall be sold  
14 at a price not less than 97% of the principal amount thereof.

15 SECTION 7. The Mayor and Clerk are authorized and  
16 directed to execute, attest, affix or imprint by any means  
17 the City seal to the documents constituting the Financing  
18 Agreement approved herein on behalf of the City and any other  
19 document which may be necessary or desirable to consummate  
20 the transaction, including the bonds authorized herein. The  
21 Mayor and Clerk are hereby expressly authorized to approve  
22 any modifications or additions to the documents constituting  
23 the Financing Agreement which take place after the date of  
24 this Ordinance including the Official Statement with the review  
25 and advice of the City Attorney; it being the express under-  
26 standing of this Common Council that said Financing Agreement  
27 is in substantially final form as of the date of this Ordinance.  
28 The approval of said modifications or additions shall be  
29 conclusively evidenced by the execution and attestation thereof  
30 and the affixing of the seal thereto or the imprinting of the  
31 seal thereon; provided, however, that no such modification or  
32 addition shall increase the maximum principal amount of,

1 interest rate on or term of the bonds as approved by the  
2 Common Council by this Ordinance without further consideration  
3 by the Common Council. The signatures of the Mayor and  
4 Clerk on the bonds may be either manual or facsimile  
5 signatures. The Clerk is authorized to arrange for delivery  
6 of such bonds to the Trustee named in the Trust Indenture,  
7 payment for the bonds will be made to the Trustee named in  
8 the Trust Indenture and after such payment the bonds will be  
9 delivered by the Trustee to the purchasers thereof. The  
10 Mayor and Clerk shall execute and the Clerk shall deliver  
11 the bonds to the Trustee within ninety days of the adoption  
12 of this Ordinance. The bonds shall be dated as of December 1,  
13 1984.

14 SECTION 8. The provisions of this Ordinance and  
15 the Trust Indenture securing the bonds shall constitute a  
16 contract binding between the City of Fort Wayne and the  
17 holder of the Economic Development Revenue Bonds, (Lincoln  
18 National Bank and Trust Company of Fort Wayne Project), and  
19 after the issuance of said bonds, this Ordinance shall not  
20 be repealed or amended in any respect which would adversely  
21 affect the rights of such holders so long as said bonds or  
22 the interest thereon remains unpaid.

23 SECTION 9. This Ordinance shall be in full force  
24 and effect from and after its passage and signing by the Mayor.

25   
26 Councilmember

27 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION  
28 AND APPROVED AS TO FORM.

29   
30 John J. Wernet, Attorney for the  
Economic Development Commission  
31 Dated this 26<sup>th</sup> day of November, 1984

32 APPROVED AS TO FORM AND LEGALITY.

33   
34 Bruce O. Boxberger, City Attorney  
35 Dated this 20<sup>th</sup> day of November, 1984

3 ORDINANCE AUTHORIZING THE CITY OF  
4 FORT WAYNE TO ISSUE ITS "CITY OF FORT WAYNE  
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8 has rendered its Project Report for the Lincoln National Bank  
9 and Trust Company of Fort Wayne Project regarding the financing  
10 of proposed economic development facilities under construction  
11 or to be constructed in the City of Fort Wayne, Indiana, and  
12 the Fort Wayne Plan Commission has commented favorably thereon;  
and

13 WHEREAS, the Fort Wayne Economic Development Commission  
14 conducted a public hearing on December 6, 1984, and also  
15 adopted a resolution on December 6, 1984, which Resolution  
16 has been transmitted hereto, finding that the financing of  
17 certain economic development facilities for Lincoln National  
18 Bank and Trust Company of Fort Wayne complies with the purposes  
19 and provisions of I.C. 36-7-12 and that such financing will  
20 be of benefit to the health and welfare of the City of Fort  
21 Wayne and its citizens; and

22 WHEREAS, the Fort Wayne Economic Development Commission  
23 has heretofore approved and recommended the adoption of this  
24 form of Ordinance by this Common Council, has considered the  
25 issue of adverse competitive impact and has specifically found  
26 and this Common Council finds: that the Project includes  
27 acquisition of real estate and construction of a commercial bank  
28 facility for use as a computer and data processing center and  
29 that there are no other existing facilities of the size and  
30 type of the Project in the general area of the Project that  
31 meet the needs of Lincoln National Bank and Trust Company of  
32 Fort Wayne and no one spoke in opposition of the Project; and

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2 for approval by the Common Council the Loan Agreement, Mortgage  
3 and Indenture of Trust, Note, Bond; now therefore,

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
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6 SECTION 1. It is hereby found that the financing of  
7 the economic development facilities referred to in the Loan  
8 Agreement and Mortgage and Indenture of Trust approved by the  
9 Fort Wayne Economic Development Commission and presented to  
10 this Common Council, the issuance and sale of the revenue bonds  
11 in the aggregate principal amount of not to exceed \$2,450,000,  
12 the loan of the proceeds of the revenue bonds to Lincoln  
13 National Bank and Trust Company of Fort Wayne for the acquisition  
14 and construction of such facilities, the payment of the revenue  
15 bonds by the note payment of Lincoln National Bank and Trust  
16 Company of Fort Wayne under the Loan Agreement, and Note  
17 and the securing of said bonds by the mortgaging of such  
18 facilities to the Issuer under the Mortgage and Indenture of  
19 Trust complies with the purposes and provisions of I.C. 36-7-12  
20 and will be of benefit to the health and welfare of the City of  
21 Fort Wayne and its citizens.

22 SECTION 2. The facilities will consist of acquisition  
23 of real estate and construction of a 56,000 sq. ft. one-story  
24 building, including equipment and fixtures on land located  
25 at the N.E. corner of Bluffton Road and Baer Field Throughway  
26 in the City of Fort Wayne, Indiana.

27 SECTION 3. It is hereby found that the above-described  
28 Project of Lincoln National Bank and Trust Company of Fort Wayne  
29 will not have an adverse competitive impact on other facilities  
30 of the same kind already operating in the same market area,  
31 and will contribute significantly to the creation of permanent  
32 new job opportunities.

1                   SECTION 4. The substantially final forms of the  
2                   Loan Agreement, Mortgage and Indenture of Trust, Note and  
3                   Bond, approved by the Fort Wayne Economic Development Commission  
4                   are hereby approved (herein collectively referred to as the  
5                   "Financing Agreement" referred to in I.C. 36-7-12, and the  
6                   substantially final forms of Lease, Conditional Assignment  
7                   of Lease and Rentals, Lessee's Consents and Agreement to Lease  
8                   Assignment and Guaranty Agreement by the Fort Wayne Economic  
9                   Development Commission are hereby approved, and all such documents  
10                   shall be incorporated herein by reference and shall be inserted  
11                   in the minutes of the Common Council and kept on file by the  
12                   Clerk. In accordance with the provisions of I.C. 36-1-5-4,  
13                   two (2) copies of all such documents are on file in the office  
14                   of the Clerk for public inspection.

15                   SECTION 5. The City of Fort Wayne shall issue its  
16                   Economic Development Revenue Bonds, (Lincoln National Bank and  
17                   Trust Company of Fort Wayne Project), in the total principal  
18                   amount of not to exceed Two Million Four Hundred Fifty Thousand  
19                   Dollars (\$2,450,000) and with the final maturity 15 years from  
20                   the date of issuance for the purpose of procuring funds to  
21                   lend to Lincoln National Bank and Trust Company of Fort Wayne  
22                   to pay the costs of acquisition and construction of the economic  
23                   development facilities as more particularly set out in the  
24                   Loan Agreement and Mortgage and Indenture of Trust incorporated  
25                   herein by reference, which bonds will be payable as to principal,  
26                   premium, if any, and interest from the note payments made by  
27                   Lincoln National Bank and Trust Company of Fort Wayne under  
28                   the Loan Agreement, and Note or as otherwise provided in the  
29                   above described Mortgage and Indenture of Trust. The bonds  
30                   shall be issued in fully registered form in the denominations  
31                   of \$5,000 or integral multiples thereof and shall be redeemed  
32                   as provided in Article III of the Mortgage and Indenture of

1 Trust. Payments of principal and interest are payable in  
2 lawful money of the United States of America at the principal  
3 office of the Trustee or its successor in trust or by check  
4 or draft mailed or delivered to the registered owner as provided  
5 in the Mortgage and Indenture of Trust. The bonds shall never  
6 constitute a general obligation of, an indebtedness of, or  
7 a charge against the general credit of the City of Fort Wayne  
8 or the State of Indiana nor are the bonds payable in any manner  
9 from revenues raised by taxation.

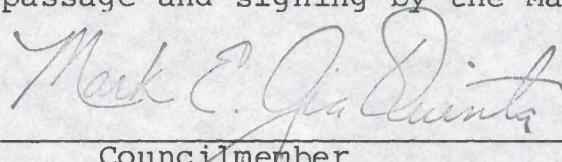
10 SECTION 6. The Mayor and Clerk are authorized and  
11 directed to sell such bonds to the purchaser thereof at the  
12 rate per annum not to exceed 10½%. The bonds shall be sold  
13 at a price not less than 100% of the principal amount thereof.

14 SECTION 7. The Mayor and Clerk are authorized and  
15 directed to execute, attest, affix or imprint by any means  
16 the City seal to the documents constituting the Financing  
17 Agreement approved herein on behalf of the City and any other  
18 document which may be necessary or desirable to consummate  
19 the transaction, including the bonds authorized herein. The  
20 Mayor and Clerk are hereby expressly authorized to approve  
21 any modifications or additions to the documents constituting  
22 the Financing Agreement which take place after the date of  
23 this Ordinance with the review and advice of the City Attorney;  
24 it being the express understanding of this Common Council  
25 that said Financing Agreement is in substantially final form  
26 as of the date of this Ordinance. The approval of said modifications  
27 or additions shall be conclusively evidenced by the execution  
28 and attestation thereof and the affixing of the seal thereto  
29 or the imprinting of the seal thereon; provided, however,  
30 that no such modification or addition shall increase the maximum  
31 principal amount of, interest rate on or term of the bonds  
32 as approved by the Common Council by this Ordinance without

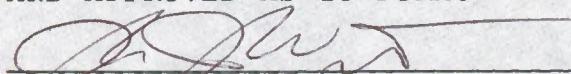
1 further consideration by the Common Council. The signatures  
2 of the Mayor and Clerk on the bonds may be either manual or  
3 facsimile signatures. The Clerk is authorized to arrange  
4 for delivery of such bonds to the Trustee named in the Mortgage  
5 and Indenture of Trust, payment for the bonds will be made  
6 to the Trustee named in the Mortgage and Indenture of Trust  
7 and after such payment the bonds will be delivered by the Trustee  
8 to the purchasers thereof. The Mayor and Clerk shall execute  
9 and the Clerk shall deliver the bonds to the Trustee within  
10 ninety days of the adoption of this Ordinance. The bonds shall  
11 be dated as of December 1, 1984.

12 SECTION 8. The provisions of this Ordinance and  
13 the Mortgage and Indenture of Trust securing the bonds shall  
14 constitute a contract binding between the City of Fort Wayne  
15 and the holder of the Economic Development Revenue Bonds,  
16 (Lincoln National Bank and Trust Company of Fort Wayne Project),  
17 and after the issuance of said bonds, this Ordinance shall not  
18 be repealed or amended in any respect which would adversely  
19 affect the rights of such holders so long as said bonds or  
20 the interest thereon remains unpaid.

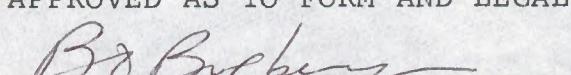
21 SECTION 9. This Ordinance shall be in full force  
22 and effect from and after its passage and signing by the Mayor.

23   
24 Councilmember

25 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION  
26 AND APPROVED AS TO FORM.

27   
28 John J. Wernet, Attorney for the  
Economic Development Commission  
29 Dated this 26 day of Nov, 1984

30 APPROVED AS TO FORM AND LEGALITY.

31   
32 Bruce O. Boxberger, City Attorney  
Dated this 26 day of Nov, 1984

Read the first time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, read the second time by title and referred to the Committee Finance (and the City Plan Commission for recommendation) and Public Hearing to be held after due legal notice, at the Council Chambers, City-County Building, Fort Wayne, Indiana, on \_\_\_\_\_, the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M., E.S.T.

DATE: 11-27-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta, seconded by Stier, and duly adopted, placed on its passage. PASSED (LOST) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BRADBURY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>BURNS</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>EISBART</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>GiaQUINTA</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>HENRY</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>REDD</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>SCHMIDT</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>STIER</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>
<u>TALARICO</u>	<u>✓</u>	<u>—</u>	<u>—</u>	<u>—</u>	<u>—</u>

DATE: 12-11-84

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort Wayne, Indiana, as (ANNEXATION) (APPROPRIATION) (GENERAL)  
(SPECIAL) (ZONING MAP) ORDINANCE (RESOLUTION) NO. S-167-84  
on the 11th day of December, 1984.

ATTEST:

(SEAL)

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Bay-Air Corp  
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,  
on the 10th day of December, 1984,  
at the hour of 11:30 o'clock A. M., E.S.T.

Sandra E. Kennedy  
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12 day of December,  
1984, at the hour of 2:00 o'clock P. M., E.S.T.

Win Moses, Jr.  
WIN MOSES, JR., MAYOR

BILL NO. S-84-11-45

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "CITY OF FORT WAYNE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1984 (LINCOLN NATIONAL BANK AND TRUST COMPANY OF FORT WAYNE PROJECT)" AND APPROVING OTHER ACTIONS IN RESPECT THERETO

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

MARK E. GIAQUINTA, CHAIRMAN

JAMES S. STIER, VICE CHAIRMAN

JANET G. BRADBURY

THOMAS C. HENRY

DONALD J. SCHMIDT

*Janet G. Bradbury*  
*Thom C. Henry*  
*DJ Schmidt*

CONCURRED IN 12-11-84  
SANDRA E. KENNEDY, CITY CLERK